

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

LOUIS DANIEL SMITH, also known
as Daniel Smith, also known as Daniel
Votino; KARIS DELONG, also known
as Karis Copper; TAMMY OLSON;
and CHRIS OLSON,

Defendants.

NO: 13-CR-14-RMP-1

ORDER DENYING DEFENDANT
SMITH'S MOTION TO DISMISS
COUNT 1 OF THE INDICTMENT
FOR LACK OF FEDERAL
CRIMINAL JURISDICTION

BEFORE THE COURT is Defendant Louis Daniel Smith's "Motion to Dismiss Count 1 of the Indictment for Lack of Federal Criminal Jurisdiction," ECF No. 322. The motion was heard without oral argument. Defendant Smith is appearing in this matter *pro se*.¹ Christopher Parisi has appeared on behalf of the

¹ Defendant Smith's motions are liberally construed because he is appearing *pro se*. See, e.g., *United States v. Johnson*, 988 F.2d 941, 943 (9th Cir. 1993).

1 Government. The Court has considered the briefing and the file, and is fully
2 informed.

3 Count One of the Indictment in this case charges Defendants Smith, Karis
4 Delong, Tammy Olson, and Chris Olson with conspiracy to commit an offense
5 against the United States or to defraud the United States, in violation of 18 U.S.C.
6 § 371. ECF No. 1. Defendant Smith appears to contend that Congress lacked
7 legislative jurisdiction to criminalize a conspiracy under this statute.

8 The United States District Courts have been vested with original and
9 exclusive jurisdiction over all offenses against the laws of the United States. 18
10 U.S.C. § 3231; *see also United States v. Sitton*, 968 F.2d 947, 953 (9th Cir. 1992),
11 *abrogated on other grounds by Koon v. United States*, 518 U.S. 81, 96-100 (1996)
12 (“Federal courts have exclusive jurisdiction of offenses against the laws of the
13 United States under 18 U.S.C. § 3231; the permission of the states is not a
14 prerequisite to exercise of that jurisdiction.”).

15 Venue is proper in the Eastern District of Washington because “[v]enue for a
16 conspiracy charge is appropriate in any district where an overt act committed in the
17 course of the conspiracy occurred.” *See United States v. Angotti*, 105 F.3d 539,
18 545 (9th Cir. 1997) (quoting *United States v. Corona*, 34 F.3d 876, 879 (9th Cir.
19 1994)). The Indictment alleges several overt acts occurring within the Eastern
20 District of Washington. ECF No. 1.

14 The District Court Clerk is directed to enter this Order and to provide copies
15 to counsel and *pro se* Defendant Louis Daniel Smith.

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18

s/ Rosanna Malouf Peterson
ROSANNA MALOUF PETERSON
Chief United States District Court Judge